IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

W.A.No.7 of 2007

AGAINST THE JUDGMENT IN W.P.(C).32861/2006-K DATED 11/12/2006

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APPELLANT: PETITIONER:-

RAJASEKHARA KURUP, S/O.RAMAKRISHNA KURUP,
SIVASAILAM, THOTTAKONAM MURI,
PANDALAM.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS/RESPONDENTS:-

1. DISTRICT COLLECTOR,
PATHANAMTHITTA.

2. TAHSILDAR, KOZHENCHERRY.

BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.Bali,C.J. & M.Ramachandran,J.

W.A.No.7 of 2007

Dated, this the 2nd day of January, 2007

JUDGMENT

V.K.Bali,C.J. (Oral)

The challenge in the present Writ Appeal is to the order dated 11th December, 2006 passed by the learned Single Judge in W.P.(C).No.32861 of 2006(K). The appellant, who is the petitioner in the original lis, was given right to collect sand for 32 days from 22.11.2006 to 31.12.2006 for a total consideration of Rs.93,466/-. He could collect sand for 29 days and sought extension of three days for collecting the sand, as during these three days he could not do the same due to heavy rains. When the request to do so was not considered by the respondents, he filed the writ petition which has been dismissed.

2. It is not a case where the appellant has been prevented in collecting sand due to fault of the Grama Panchayat under whose permission he was to collect sand or because of any fault of anyone else. If during three days he could not collect sand because of heavy rains, it can only be said that he was not fortunate enough to collect sand, but that itself would not give

any right for extension of time. No merits. Dismissed. I.A.No.2 of 2007 does not survive.

V.K.Bali
Chief Justice

M.Ramachandran
Judge

vku/-